



Town of Plymouth

124 EAST WATER - PLYMOUTH, NORTH CAROLINA 27962

TELEPHONE: (252) 793-9101

FAX: (252) 793-6738

May 3, 2021

Erin Wynia
Chief Legislative Counsel
NC League of Municipalities
434 Fayetteville Street
Raleigh NC 27601

Dear Counsel Wynia,

Per your memorandum dated April 12, 2021, please find attached a list of ordinances that are enforced with criminal penalties for the Town of Plymouth, North Carolina.

Best regards,

Dorenda Wallace
Assistant Town Manager
Town Clerk
Finance Officer

cc: The Honorable Kathy Harrington
The Honorable Sarah Stevens
Susan L. Litze
Melissa Zbikowski

Attachment

TOWN OF PLYMOUTH ORDINANCES WITH CRIMINAL ENFORCEMENT

| ORDINANCE PUNISHABLE BY G.S. 14-4(A) | DESCRIPTION OF CONDUCT SUBJECT TO CRIMINAL PUNISHMENT UNDER THE ORDINANCE |
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| 10 | GENERAL PROVISIONS |
| 10.99 (A) | GENERAL PENALTY Unless otherwise specifically provided, violation of any provision of this code or any other town ordinance shall be a misdemeanor, as provided by G.S. 14-4. |
| 50 | SEWER REGULATIONS |
| 50.99 | PENALTY |
| (A) | Any person (including any responsible officer or employees of a corporate violator) who willfully or negligently violates any provisions of 50.01 through 50.08, shall be guilty of a misdemeanor, and shall be punishable by fine not to exceed \$1,000.00 or imprisonment not to exceed 30 days, or both, in the discretion of the court. |
| (B) | Any person (including any corporation) who violates any provisions of 50.01 through 50.08, shall in addition to the criminal penalties as outlined above be subject to the imposition by the Town Council of the civil penalty payable to the town not to exceed \$5,000.00 for each violation, and, in addition, shall reimburse the town upon demand for any expenses, loss or damage actually sustained by the town to its sewer system or wastewater treatment plant, treatment processes or receiving waters as a result of such violation, and in addition to any civil penalty imposed by the town shall be liable for the amount of any fine or penalty imposed upon the town by the state or federal agency as a result of such violation. |
| 70.01 | TRAFFIC CODE |
| 70.60 (B) | Any violation of division (A) shall constitute a misdemeanor. Any corporation convicted of such violation shall, for the first offense be subject to a fine of \$25.00, and for each subsequent offense a fine of \$50.00. Any individual convicted of such violation shall, for the first offense, be subject to a fine of \$25.00 and for each subsequent offense a fine of \$50.00 or imprisonment for not exceeding 30 days. Each and every ten minute period that a street shall be so blocked in excess of the first ten-minute period herein allowed shall constitute a separate offense. |
| 70.99 | PENALTY |
| (A) | The violation of any provision of this traffic code or any provision of any restriction imposed by any proclamation authorized by this code regulating the operation or parking of vehicles, for which no other penalty is provided, shall constitute an infraction punishable, upon conviction, by a penalty of not more than \$100.00. |

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| (B) | A violation of 71.05, driving the wrong way, is a \$50.00 fine. |
| (C) | A violation of 71.06, exceeding the posted speed limit is a \$50.00 fine. |
| (D) | A violation of 71.07, failure to stop for a traffic control or stop sign, is a \$50.00 fine. |
| (E) | A violation of 72.03, illegally parking, is a \$50.00 fine. |
| (F) | A violation of 72.03, illegally parking in a handicapped zone, is a \$100.00 fine. |
| 72 | STOPPING, STANDING AND PARKING |
| 72.99 | <p>PENALTY</p> <p>The violation of 72.03, 72.06, 72.07, 72.08 shall constitute an infraction punishable, upon notification and ticketing by a Town Police Officer or assign, by a penalty of \$10.00. This penalty shall be payable by cash or check within ten days to the Plymouth Town Hall. If the penalty of \$10.00 is not paid within the required ten days, then this shall subject the offender to a civil penalty and will be increased to \$50.00 and collectable by any lawful means the Town has available for collection, including but not limited to a civil action in the nature of a debt and any other remedy described in G.S. 160A-175.</p> |
| 91 | ANIMALS |
| 91.15 (B) | <p>FAILURE TO ABATE; IMPOUNDMENT</p> <p>The owner of an animal impounded under this section may redeem such animal upon written agreement to remedy the violation, payment of any civil penalty, and payment of fees and charges required by Washington County Animal Control. In addition to the impoundment and associated fees of any dog found to be running at large, any person found in violation of any provision of this chapter shall be liable for a civil penalty to be collected by the town in the amount of \$20.00 for the first offense\, \$30.00 for the second offense, and \$50.00 for the third offense. Such owner shall also be guilty of a misdemeanor and should the owner not remedy the violation of this section, the Town can press for a conviction thereof. This conviction shall be punished by a fine of \$50.00.</p> |
| 91.15 (D) | If any person, being the owner or keeper of a dog respecting which an order of abatement has been issued, shall fail or refuse to abate the nuisance as ordered, he shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$50.00 or imprisonment not exceeding 30 days, as provided by G.S. 14-4 |
| 93 | FIRE PREVENTION |
| 93.99 (A) | Any person who shall violate any of the provisions of the Fire Prevention Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Town Council or by a court of competent jurisdiction, within the time fixed therein, shall severally for |

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| | each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by fine of not more than \$50.00 or by imprisonment for not more than 30 days, in the discretion of the court. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. |
| (B) | The application of the penalty in division (A) shall not be held to prevent the enforced removal of prohibited conditions. |
| 94 | GARBAGE, REFUSE AND WEEDS |
| 94.04(C) | Any owner, occupant, and person in charge of any premises within the Town not devoted to agricultural uses who shall fail to cut down the grass thereon to within four inches of the ground during the required periods shall be liable for a fine of \$10.00 for each occurrence. The owner or occupant shall also be liable for any costs as provided in 94.06 |
| 94.05 | LITTER |
| (F)(1) | <p>Any person found in violation of this section shall be liable for a civil penalty of not less than \$25.00 and not more than \$500.00 for each incident, to be determined by the schedule below:</p> <ul style="list-style-type: none"> • Littering <ul style="list-style-type: none"> ○ Violation of division (A) of this section by discarding incidental refuse, \$25.00 • Simple Dumping <ul style="list-style-type: none"> ○ Violation of division (A) by dumping any amount of household refuse or division (B), or division (C), \$100.00. • Hazardous Dumping <ul style="list-style-type: none"> ○ Violation of division (D) or division (E), \$500.00 |
| 94.99 | PENALTY |
| (A) | Any violation of any regulation or provision of any section contained in 94.2 through 94.22 shall be liable for a civil fine not to exceed \$50.00. Any violation shall also constitute a misdemeanor. Should the town be required to remedy the violation all provision of 94.06 will apply. |
| (B) | In addition to or in lieu of the other remedies provided by 94.07, any owner of a property whose property shall be declared a public nuisance as provided in 94.07 shall be subject to a civil penalty in manner of \$50.00 for the first offense, \$100.00 for the second offense in the calendar year and \$250.00 for the third and subsequent offenses in the calendar year. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect debt. |

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| 96.01 | BLOCK |
| 96.99 | PENALTY Any person violating any provision of this chapter shall be guilty of misdemeanor and, upon conviction, shall be fined not more than \$50.00 or imprisoned not more than 30 days. |
| 99 | YOUTH PROTECTION |
| 99.99 (B) | Any person other than a juvenile who violates any provision of this chapter may be guilty of a misdemeanor and may be subject to a fine not to exceed \$100.00, and imprisonment in the discretion of the Court in accordance with G.S. 14-4. |
| 110 | LICENSES |
| 110.99 | PENALTY |
| (A) | Conducting business within this town without having paid the privilege license tax imposed by 110.04, or without a valid license issued pursuant to 110.06, or without posting a license pursuant to 110.09(A) is a misdemeanor, punishable as provided in G.S. 105-109. Each day that a person conducts business in violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this division does not relieve a person of his liability for taxes imposed under this chapter. |
| (B) | In addition to the criminal remedies set forth in division (A) and pursuant to G.S. 160A-175(d), the Town may seek an injunction against any person who conducts a business in violation of this chapter. |
| 151 | FLOOD DAMAGE PREVENTION CODE |
| 151.38(E) | <i>Failure to comply with order.</i> If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court. |
| 151.99 | PENALTY Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Plymouth from taking such other lawful action as is necessary to prevent or remedy any violation |

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| 152 | MINIMUM HOUSING CODE |
| 152.99 (B) | <p>PENALTY</p> <p>The violation of any provision of this chapter shall constitute a misdemeanor; as provided by G.S. 14-4</p> |
| 153 | ZONING |
| 153.999 | <p>PENALTY</p> <p>Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine of not more than \$50.00 or imprisonment not to exceed 30 days. Each day such violation continues shall be deemed to be a separate offense.</p> |
| 155 | SUBDIVISION REGULATIONS |
| 155.34 | <p>PENALTIES</p> <p>Any person who, being the owner or the agent of the owner of any land located within the territorial planning jurisdiction of this chapter, thereafter subdivides his/her land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other uses of a plat showing a subdivision of land before the plat has been properly approved under the terms of this chapter and recorded in the office of the Register of Deeds of Washington County, shall be guilty of a first degree misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town, through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer or sale of land, and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this chapter. Further, violators of this chapter shall be subject upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.</p> |